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Appl. No.: 10/563,396
Amdt. Dated January 23, 2011
Reply to Office Action of June 28, 2010

REMARKS

This amendment is submitted along with a petition for revival of the application for patent abandoned unintentionally under 37 C.F.R. 1.137(b), a request for a continued examination (RCE) and appropriate fees in reply to the Final Office Action dated June 28, 2010. It is considered that this amendment replaces the submission of December 28, 2010. Claims 1-22 currently stand rejected. Applicant has amended independent claims 1, 12, 21 and 22 for clarity and to improve their form. Claims 4 and 8 have been amended to incorporate a portion of the subject matter of claims 6 and 9 respectively, which are believed to be allowable. Claims 5, 6, 9 have been cancelled, without prejudice. The new claims 23 and 24 have been added claiming subject matters which were a portion of claim 1 and were presented previously. The new claim 25 is currently added which is supported by the specification, 0054-0055 (*page 16 lines 11-14 of the PCT application*) and it is requested to be taken into the consideration. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §101

Claims 1-22 currently stand pending under 35 U.S.C. §101. Applicant has amended independent claims 1, 12, 21 and 22 to further indicate that the invention according to these claims involve at least inventive step in the light of the cited documents. Accordingly, Applicant respectfully submits that the rejections of independent claims are overcome.

Claim Rejections - 35 USC §102

Claims 1-8, 10-16, 18-22 currently stand rejected under 35 U.S.C. §102(e) as being anticipated by Yoshii et al. (U.S. Patent No. 20030105809, hereinafter "Yoshii"). Claims 12-22 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over to Yoshii in view of Zigmond et al. (U.S. Patent No. 6,698,020).

According to Yoshii, the user terminals send schedule data to the automatic distribution server 100 in response to a user action, to specify what each customer wishes to receive and

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when, 0104. The server delivers requested content according to the delivery schedule information created at the customer's terminal. The proposed system permits the customer to receive desired content at desired times from the server, 0098. Yoshii also disclose advantage of the proposed system over conventional live broadcasting systems which is preventing content delivery requests from concentrating in a particular time period, 0099.

Yoshii, describe the program editing stations 310 and 320 create and edit program video streams. They send the finished program content to the video distribution server 200, as well as providing information about such content to the automatic distribution server, 0103. Yoshii also describes the automatic distribution server 100 also manages content delivery times according to each customer's schedule data, which is received from the user terminals. The automatic ... distribution server 100 notifies the video distribution server 200, by sending the identifier of the scheduled content and that of the destination user terminal when it reaches the time for delivery of a program, 0101. Consequently, it is obvious that Yoshii specifically refers to a system which is based on each customer's particular content request to be delivered to that particular customer and managing scheduling phases individually as such.

On the contrary, according to the amended claim 1 of the present invention, the management server 100 does not interact in such manner to exchange schedule information with subscriber receivers to allow subscribers to manipulate the schedule and decide when to receive the desired content.

Further in fig.4, Yoshii describes that the program editing stations send video files and program schedule to the content management center, and provide information about "Program ID," "Title," etc., which specifically concerns the content category of the program or commercial, fig.8. Yoshii describes that the commercial and program edition stations make access to the automatic distribution server 100 to supply the content manager 130 with the information about the uploaded files, 0122-0123.

Thus, a major difference between the claimed invention and Yoshii is that a central management server organizes instructions typically originated from a plurality of instances (i.e. the client computers located at an advertiser's or TV network facilities, which each has the authority to organize a sub-set of the signals), before transmission thereof over at least one of a

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plurality of transmission resources (multiple channels). Namely, it is impossible to attain an optimal distribution of the signals from signal sources over available distribution resources without the central management server (or equivalent network function), and particularly in live transmissions. The first objective problem (1) that the invention solves in relation to Yoshii is thus to accomplish an efficient usage of available transmission resources, and at the same time enable a number of clients to organize transmission of signals, respectively, to the subscriber receivers in a flexible manner over a number of transmission resources accessible through and managed by the Central Management Server. For example, an operator (here, an advertiser) does not need to contact every TV channel (television network) to transmit an advertisement or content and instead he or she may choose best available transmission resource (TV channel) to reach the intended viewers (FIG. 4 and Page 17, lines 22 – 24). Consequently, the operator may efficient the transmission resource(s) through the Central Management Server (Page 16, lines 20 – 29 of PCT application). Hereby, the invention improves the operators' possibilities of accomplishing an apposite planning of their transmissions (page 7, lines 1-32 of the PCT application).

Accordingly, based on the description in Yoshii, it is far from a straightforward task for one of skill in the art to implement a solution of a second objective problem (2) solved by the claimed invention in relation to accomplishing access, manipulation and usage of a number of (multiple) transmission resources which are separated from each other in a network at the disposal of a number of client computers (page 15 lines 18-21 of the PCT specification).

Finally, the prior art neither suggests nor indicates anything, which would lead a skilled person confronted with the objective problems (1) and (2) to modify the solution of cited documents according to the independent claims. To the contrary, the solutions consistently discussed in the cited documents are regarded to direct skilled person's attention to the fact that it is advantageous to optimize or design a system for a user (subscriber) to view desired content (i) automatically when he or she wishes, (ii) to increase the bandwidth to overcome bandwidth limitations over Internet, (iii) user specific distribution or so called "Unicast" and (iv) interactivity services and to be at disposal of the user (subscriber) at the local level.

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Accordingly, it is far from a straightforward task for skilled person to implement a solution of these documents the objective problem solved by the invention in relation to each other to accomplishing accessing and efficient usage of multiple transmission resources in a network at the disposal of a number of client computers operated by professional operators.

Independent claims 12, 21 and 22 include similar recitations to those of independent claim 1 in relation to providing the features described above. Thus, independent claims 12, 21 and 22 are patentable at least for the corresponding reasons provided for independent claim 1. Claims 2-11, 13-20 and 23-25 depend either directly or indirectly from respective ones of independent claims 1 and 12, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 2-11, 13-20 and 23-25 are patentable for at least those reasons given above for independent claims 1 and 12.

Accordingly, for at least the reasons provided above, Applicant respectfully submits that the rejections of claims 1-25 are overcome.

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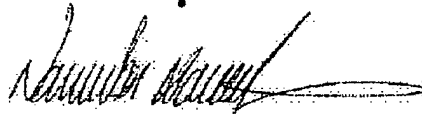
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CONCLUSION

In view of the amended claims and the remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby acknowledged to be charged to submitted credit card number or, if required, a new Payment Form PTO-2038 will be sent to the USPTO upon request.

Respectfully submitted,



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